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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,133

03/25/2004

Joseph E. Firebaugh

4541-017

7696

24112 7590 04/04/2008

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT

PAPER NUMBER

2164

MAIL DATE

DELIVERY MODE

04/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed on 1/4/2008 has been entered including amended claims 1, 10, 14-15. In this Office Action, claims 1-16 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 12-13, line 4, stated as "CONTAINER", applicant is claiming a data type definition statement.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-16 are rejected under 35 U.S.C. § 101, because claims are directed to program per se. Independent claims 1, 10, 15 are claiming a computer program per se and nonfunctional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component. As such, the claims are not limited to statutory subject matter and are therefore non-statutory. In *Sarkar*, 588 F.2d at 1335, 200 USPQ at 139. See recent court case, *In-Re Comiskey*, _____, Fed. Cir., 2007_____, decided 9/20/2007. (see MPEP 2106(IV)(B)(2)(b) (ii)).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-8, 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy et al. (US Patent 6,643,629) hereinafter Ramaswamy, in view of De Boor et al. (US Patent 6,470,381) hereinafter De Boor, and in view of Kameda (US Patent 6,876,972) hereinafter Kameda.

8. As per independent claims 1, 15, Ramaswamy teaches as a method for identifying a predetermined number of outliers of interest in a large data set (col. 1, lines 39-40). Ramaswamy teaches the claimed, a method of synopsisizing large data sets to facilitate the use of an accessibility system (col. 1, lines 39-45). Ramaswamy teaches the claimed, providing a large data set (col. 2, lines 12-16). Ramaswamy teaches the claimed, generating a synopsis of a large data (Fig. 6, col. 2, lines 14-15 and col. 9, line 66 to col. 10, line 3). Ramaswamy does not explicitly teach formatting large data set in a markup language. However, De Boor teaches the claimed, formatting large data set in a markup language data structure (Fig. 1, 7, col. 17, lines 14-15). Further, De teaches the claimed, formatting said synopsis of said large data set in a synopsis container that includes said large data set and said synopsis of said large data set (Fig. 1, col. 17, lines 14-15). De Boor teaches the claimed, transmitting synopsis container to a computer having an accessibility system (col. 30, lines 18-21). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because De Boor's teachings would have allowed Ramaswamy's method to provide Internet

access via the HyperText Transport Protocol (HTTP), in response to user selection of data items associated with content located on the Internet (col. 4, lines 16-18).

Ramaswamy and De Boor do not teach output synopsis of large data. However, Kameda teaches the claimed, the synopsis container operative to cause the accessibility system to output the synopsis of said large data set (Fig. 1, 2, 6, 9, col. 35, lines 54-57). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Kameda's teachings would have allowed Ramaswamy's method and a system for aiding to make a medical care schedule and/or record, which can aid or navigate the person, who makes up the medical care schedule and/or record such as a medical doctor, a nurse, etc., to make an appropriate medical care schedule and/or record easily and speedily (col. 3, lines 25-30).

9. As per dependent claim 2, Ramaswamy teaches the claimed, providing a large data set comprises automatically generating said large data set in response to a user input (Fig. 1, col. 2, lines 12-16).

10. As per dependent claim 3, Ramaswamy teaches the claimed, providing a large data set comprises retrieving said large data set from storage in response to a user input (Fig. 3, col. 4, lines 44-49).

11. As per dependent claim 4, De Boor teaches the claimed, formatting said large data set for transmission comprises generating markup language data structures to direct the display of said large data set at a client terminal (col. 6, lines 45-48). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because De Boor's teachings would have allowed Ramaswamy's method to provide Internet access via the HyperText Transport Protocol (HTTP), in response to user selection of data items associated with content located on the Internet (col. 4, lines 16-18).

12. As per dependent claim 5, Ramaswamy teaches the claimed, generating a synopsis of said large data set comprises automatically generating said synopsis by comparing data elements in said large data set to predetermined metrics (Fig. 3, col. 4, lines 43-54).

13. As per dependent claim 6, Ramaswamy teaches the claimed, generating a synopsis of said large data set comprises writing said synopsis by an individual (Fig. 1, col. 2, lines 37-42).

14. As per dependent claim 7, De Boor teaches the claimed, formatting said synopsis of said large data set in a synopsis container comprises generating a markup language data structure defining said synopsis container (Fig. 7, col. 22, lines 34-52).

15. As per dependent claim 8, De Boor teaches the claimed, transmitting said synopsis container comprises transmitting a markup language data structure including said large data set and said synopsis (col. 30, lines 18-21).

16. As per independent claim 10, Ramaswamy teaches as a method for identifying a predetermined number of outliners of interest in a large data set (col. 1, lines 39-40). Ramaswamy teaches the claimed, a computer readable medium including one or more computer programs operative to cause a computer to perform the steps (col. 1, lines 39-45). Ramaswamy teaches the claimed, generating a markup language data structure initial flag (). Ramaswamy teaches the claimed, generating at least one attribute comprising a synopsis of said large data (col. 2, lines 12-16). Ramaswamy does not explicitly teach formatting large data set in a markup language. However De teaches the claimed, formatting large data set in a markup language data structure (Fig. 1, 7, col. 17, lines 14-15). De Boor teaches the claimed, generating a data structure initial tag (HEAD) (Fig. 7). De Boor teaches the claimed, generating a data structure terminating tag (/HEAD) (Fig. 7). De Boor teaches the claimed, "outputting a markup language data structure synopsisizing the large data set and operative to cause a computer having an accessibility system" (col. 4, lines 54-61). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because De Boor's teachings would have allowed Ramaswamy's method to provide Internet access via the

HyperText Transport Protocol (HTTP), in response to user selection of data items associated with content located on the Internet (col. 4, lines 16-18).

Ramaswamy and De Boor do not teach output synopsis of large data. However, Kameda teaches the claimed, the synopsis container operative to cause the accessibility system to output the synopsis of said large data set (Fig. 1, 2, 6, 9, col. 35, lines 54-57). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Kameda's teachings would have allowed Ramaswamy's method and a system for aiding to make a medical care schedule and/or record, which can aid or navigate the person, who makes up the medical care schedule and/or record such as a medical doctor, a nurse, etc., to make an appropriate medical care schedule and/or record easily and speedily (col. 3, lines 25-30).

17. As per dependent claim 11, De Boor teaches the claimed, computer programs are further operative to cause a computer to perform the steps of generating a flag attribute indicating whether or not a computer having an accessibility system should output said large data set (Fig. 7, col. 22, lines 34-52).

18. As per dependent claim 12, De Boor teaches the claimed, the computer programs are further operative to cause a computer to perform the steps of associating markup language data structure with the keyword CONTAINER (Fig. 7, col. 22, lines 34-52).

19. The data structure of claim 13, De Boor teaches the claimed, generating the markup language data structure initial tag comprises generating the tag <CONTAINER> (HEAD) (Fig. 7) and generating a markup language data structure terminating tag comprises generating the tag </CONTAINER> (Fig. 7, col. 22, lines 34-52).

20. As per dependent claim 14, De Boor teaches the claimed, outputting a markup language data structure data structure synopsisizing the large data set comprises outputting data formatted as a markup language data structure compatible with the Hyper-Text Markup Language (Fig. 7, col. 4, lines 54-61, col. 22, lines 34-52).

21. Claims 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy et al. (US Patent 6,643,629) hereinafter Ramaswamy, in view of De Boor et al. (US Patent 6,470,381) hereinafter De Boor, in view of Kameda (US Patent 6,876,972) hereinafter Kameda, and further in view of Slotznick et al. (USPA Pub. 2002/0178007 A1) hereinafter Slotznick.

22. As per dependent claims 9, 16, Ramaswamy and De Boor do not teach using a screen reader. However, Slotznick teaches the claimed, accessibility system is a screen reader (Page 2, paragraph [0018]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Slotznick's teachings would have allowed Ramaswamy's method to provide Text-to-speech browsers are also an expense for

those in the lower socio-economic levels, frequently costing end users over \$100 (col. 4, lines 16-18).

Response to Arguments

23. Applicant's arguments filed on 8/9/2007 have been fully considered but they are not persuasive and details as follows:

a) Applicant's argument stated as "how the specification accomplishes this is not material" see Remarks section, page 6, paragraph four.

In response to Applicant argument, Examiner respectfully disagrees, because Applicant is referring to the program code whereas the patents are not given for software and do not read or consider the program code or instructions. See MPEP 2106.

b) Applicant's argument stated as "The 101 rejections of claims 1-16 are improper and must be withdrawn."

In response to Applicant argument, Examiner respectfully disagrees, because the amendment of claims 1-16 did not overcome the rejection of 35 U.S.C. 101 and the claims are program pre se. Programs or data structures are considered as non-statutory subject matter. Therefore, the rejection of claims 1-16 under 35 U.S.C. 101 is retained. Additionally added, other group of claims 1-9 are also rejected under the same reason.

c) Applicant's argument stated as "Ramaswamy fails to teach or suggest generating a synopsis of a large data set."

In response to Applicant argument, Examiner respectfully disagrees, because Ramaswamy does teach, generating a synopsis of a large data as “identifying a predetermined number of outliers of interest in a large data set” (Fig. 6, col. 2, lines 14-15 and col. 9, line 66 to col. 10, line 3). Further, in response to applicant's argument, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

d) Applicant's argument stated as “De Boor does not teach or suggest any claimed limitation for which it is cited, including any accessibility functionality, such as a screen reader.

In response to Applicant argument, Examiner respectfully disagrees partly, because De Boor does not explicitly teach the screen reader and however, Slotznick teaches screen reader at Page 2, paragraph [0018]. Further, in response to applicant's argument, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/Sathyanarayan Pannala/
Primary Examiner

srp
March 28, 2008